

IC 31-34-10

Chapter 10. Initial Hearing on Child in Need of Services Petition and Issuance of Summons

IC 31-34-10-1

Application of chapter

Sec. 1. This chapter applies only to a child alleged to be a child in need of services.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-2

Initial hearing; service of copy of petition and summons

Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

- (1) The child.
- (2) The child's parent, guardian, custodian, or guardian ad litem.
- (3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.17. Amended by P.L.133-2000, SEC.4; P.L.217-2001, SEC.8.

IC 31-34-10-2.5 Repealed

(Repealed by P.L.217-2001, SEC.16.)

IC 31-34-10-3

Appointment of guardian ad litem or court appointed special advocate

Sec. 3. Before complying with the other requirements of this chapter, the juvenile court shall first determine whether the following conditions make it appropriate to appoint a guardian ad litem or a court appointed special advocate, or both, for the child:

- (1) If the child is alleged to be a child in need of services:
 - (A) under IC 31-34-1-6;
 - (B) under IC 31-34-1-10 or IC 31-34-1-11;
 - (C) due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with the necessary medical care; or
 - (D) because the location of both of the child's parents is unknown;

the court shall appoint a guardian ad litem or court appointed special advocate, or both, for the child.

- (2) If the child is alleged to be a child in need of services under:
 - (A) IC 31-34-1-1;
 - (B) IC 31-34-1-2;
 - (C) IC 31-34-1-3;
 - (D) IC 31-34-1-4;

- (E) IC 31-34-1-5;
- (F) IC 31-34-1-7; or
- (G) IC 31-34-1-8;

the court may appoint a guardian ad litem, court appointed special advocate, or both, for the child.

(3) If the parent, guardian, or custodian of a child denies the allegations of a petition under section 6 of this chapter, the court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-4

Duty to inform child and parent, guardian, or custodian of nature of allegations and dispositional alternatives

Sec. 4. The court shall next inform the child, if the child is at an age of understanding, and the child's parent, guardian, or custodian, if the person is present, of the following:

- (1) The nature of the allegations in the petition.
- (2) The dispositional alternatives available to the court if the child is adjudicated a child in need of services.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-5

Duty to inform parent or guardian of estate of effect of adjudication

Sec. 5. The juvenile court shall inform the parent or guardian of the estate that if the child is adjudicated a child in need of services:

- (1) the parent, guardian, or custodian of the child may be required to participate in a program of care, treatment, or rehabilitation for the child;
- (2) the parent or guardian may be held financially responsible for services provided for the parent, guardian, or child; and
- (3) the parent, guardian, or custodian of the child may controvert the following:

(A) Allegations made at the child's dispositional or other hearing concerning the parent's, guardian's, or custodian's participation.

(B) Allegations concerning the parent's or guardian's financial responsibility for services that would be provided.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-6

Admission or denial of allegations by parent, guardian, or custodian

Sec. 6. Except if a petition is filed under IC 31-34-1-6, the juvenile court shall determine whether the parent, guardian, or custodian admits or denies the allegations of the petition. A failure to respond constitutes a denial.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-7**Child's admission or denial of allegations**

Sec. 7. If a petition alleges that the child is a child in need of services under IC 31-34-1-6, the juvenile court shall determine whether the child admits or denies the allegations. A failure to respond constitutes a denial.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-8**Procedure following admission of allegations by parent, guardian, or custodian**

Sec. 8. If the parent, guardian, or custodian admits the allegations under section 6 of this chapter, the juvenile court shall do the following:

- (1) Enter judgment accordingly.
- (2) Schedule a dispositional hearing.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-9**Dispositional hearing; factfinding hearing; consent**

Sec. 9. (a) If the allegations of a petition have been admitted, the juvenile court may hold a dispositional hearing immediately after the initial hearing.

(b) If the allegations have been denied, the juvenile court may hold the factfinding hearing immediately after the initial hearing.

(c) The following persons must consent to holding a hearing under subsection (a) or (b) immediately after the initial hearing:

- (1) The child if competent to do so.
- (2) The child's:
 - (A) counsel;
 - (B) guardian ad litem;
 - (C) court appointed special advocate;
 - (D) parent;
 - (E) guardian; or
 - (F) custodian.

(3) The person representing the interests of the state.

As added by P.L.1-1997, SEC.17.